

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of May 3, 2011 Meeting

Present: Jina Karampetsos (Chair), John Bart (Vice Chair), Mark Enander, Barry Nickerson, David DeAngelis, Lori Lyle, John Barr, Attorney Anthony DeSisto (Town Solicitor)

Minutes

Motion made by Member Enander to approve Minutes from the March 2011 meeting. Motion seconded by Member Bart. Motion carried by all present.

Correspondence: None.

Applications:

vMichael Chen, 127 Massachusetts Avenue, Providence, RI/The Lucky Chen's Corp 2, 127 Massachusetts Avenue, Providence, RI – Application for Special Use Permit for the expansion of 2nd floor of existing non-conforming restaurant on property located at 614 Smithfield Avenue, Lincoln, RI.AP 6, Lot 16 Zoned: VCMU

Michael Chen, 127 Massachusetts Avenue, Providence, RI/The Lucky Chen's Corp 2, 127 Massachusetts Avenue, Providence, RI –

Application for Dimensional Variance for parking to vary from street ordinance, side and rear setbacks due to unique position and dimensions of lots and loading for property located at 614 Smithfield Avenue, Lincoln, RI.

AP 6, Lot 16 Zoned: VCMU

Represented by: Robert Oster, Esquire

Chair read into the record standards that need to be met for both applications.

Former owner (Frank's Family Restaurant) operated a family restaurant at this location for 40+ years. Applicant recently purchased property and also owns Dragon Villa across the street. Site will remain family restaurant with full liquor license and applicant wants to add a second floor. Building needs extensive updating and cosmetic work. Second floor will consist of small lounge area with no band entertainment.

Parking at site has no curbing in place and does not meet parking space length requirements. There are several restaurants and bars in the area that use their parking area after the restaurant is closed. Currently site has 28 parking spots and seats 52. Second floor will have seating for 40 additional patrons with two tops and a bar. Proposing a rear stairway for access - second floor will have exterior staircase which is the only physical change to the building. There will be two egresses from the second floor and the footprint is not

changing. Fence at the rear of the property will be replaced.

Chair asked if the liquor license limits seating at 52. Attorney DeSisto informed the Board if the liquor license expands the applicant will need to file a new application with the Town Council reflecting both floors and the total seating. Attorney Oster informed the Board if the applications are granted applicant will petition the Town Council regarding additional seating.

Witness:

Mr. Chen

He will continue to operate the Dragon Villa. Restrooms will be installed on the second floor; add rear egress; and no additional signage will be installed. Reason for expansion is primarily because they have a liquor license but no place to store the liquor – not an adequate setup to sell liquor or bar area. Second floor will be used as a lounge and area to eat. Customers will also be able to sit on an existing balcony area but no food will be served there. Building is fully coded with fire doors. Applicant purchased the property August of 2010 and is a family restaurant serving breakfast, lunch and supper. Restaurant opens at 6am and closes at 10pm seven days per week - second floor will close at 12 midnight. There will be signage for second floor entrance with possible lighting at the rear of the building. Applicant will be adding additional pole lighting at the rear to meet code. Existing parking has been in place for 40+ years.

Chair stated intensification of use will require additional parking spaces if second floor is approved.

Witness

Mohammed Hussein, Ocean State Blueprint

He has been a licensed Professional Engineer in Rhode Island, Massachusetts, Connecticut and New Hampshire for 42 years and prepared the plans before the Board. Motion made by Member Barr to accept Mr. Hussein as an expert witness in his field. Motion seconded by Member Lyle. Motion carried by all present.

Rear egress for second floor is the only entrance. Applicant could add an interior stairway for patrons is needed. First floor bathroom is handicap accessible but not second floor. Lighting will be installed by specialists to ensure privacy to neighbors. HVAC system will be moved to the roof.

Mr. Chen stated he did not consider adding another interior stairway to the second floor and that is why exterior stairway is being considered. Chair asked if he planned on attracting a different clientele to the second floor. He replied he expects a younger crowd would use the second floor. Chair stated she is concerned the second floor could be considered as a second establishment (bar/lounge) and not a full service establishment. Mr. Chen replied the first floor is family oriented and has an open floor plan.

Attorney Oster addressed the Board stating his client is willing to make changes to the proposed plan and utilize first floor space to install an interior stairway. Chair replied there may be other layouts available to make an interior stairway. Chair asked if applicant would be willing to continue the application to the June agenda and return with new plans reflecting a possible interior stairway; address parking concerns with the Town regarding parking on Town property.

Attorney Oster replied that the applicant would be agreeable to changing the plans and address parking issues.

Chair read into the record Technical Review Committee/Planning Board recommendations for both applications:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval with Conditions of the Special Use Permit for the expansion of a 2nd floor restaurant. A restaurant currently exists on the first floor. The Technical Review Committee feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan. However, the Technical Review Committee feels that exterior site improvements are needed to create a safer flow of vehicular traffic around the property. The Technical Review Committee recommends that the proposed parking spaces be striped. Striping the spaces will define the parking area. This can be a condition of approval.

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval with Conditions of a Dimensional Variances for parking to vary from the street ordinance, side and rear setbacks due to unique position and dimensions of the existing lot and a variance from the loading ordinance for property. A restaurant currently exists on the first floor of this building. The applicant proposes to expand the restaurant use to the 2nd floor. The Technical Review Committee feels that the expanded restaurant use will not alter the general character or function of the property or surrounding area. However, the Technical Review Committee feels that exterior site improvements are needed to create a safer flow of vehicular traffic around the property. The Technical Review Committee recommends that the proposed parking spaces be striped.

Striping the spaces will define the parking area. This can be a condition of approval. The Technical Review Committee finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Chair asked if there was anyone present in opposition of the applications.

Opposed:

Bethany Tortis, 16 Hopkins Street, Lincoln

Worked at Frank's for 17 years. Her concern is with the fence at the

rear of the property which is a retaining wall and not a fence. Dumpster at the rear of the property near the fence has caused the land to settle. Afraid of patrons causing a lot of noise when closing at midnight. Cars park all over the street and at times she cannot exit her property. There was talk of removing “no parking” sign on one side of the street. There are no sidewalks on the street.

Thomas Leopold, 7 Hopkins Street, Lincoln

Concerned about parking on the street. No room for residents.

Donna Chapman, 24 Hopkins Street, Lincoln

Concerned about second floor closing at midnight and use as a bar/lounge. Brooksies is open till 1am and this could add to the parking problem.

Ronald Johnson

His mother owns property on at 8 Hopkins Street and has been there 61 years. Also concerned about parking on the street. Another potential problem could be snow removal blocking the restaurant parking spaces. There are seven drinking establishments in the area and they don't really need another.

Stan Presler

He purchased Brooksies in December 2010 and agrees there is a parking problem in the area. On Friday nights his customers park across the street. His hours of operation are Monday-Saturday

11am-1am and Sunday from 12 noon to 1am. He offered his parking lot for the overflow of parking for the Sunday morning breakfast crowd. There is a stipulation with his liquor license that he must offer food till midnight on the premises because he is open until 1am. He also has a smoking patio for his patrons.

Attorney Oster requested that the two applications be continued to the June agenda so the applicant can address the Board's concerns.

Motion made by Member Bard to continue the two applications to the June agenda. Motion seconded by Member Enander. Motion carried by all present.

Motion made by Member Bart to adjourn the meeting. Motion seconded by Member Enander. Motion carried by all present.

**Respectfully submitted,
Ghislaine D. Therien
Zoning Secretary**